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FILED

AUG 22 2011

DEPARTMENT OF REAL ESTATE
BY: *Sharon A. Blum*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-36944 LA
)	
<u>EDISON LENDING & REALTY INC;</u> and)	
KENTON SCOTT LEVINSON,)	
Individually, and as designated)	
officer of Edison Lending &)	
Realty Inc,)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On December 2, 2010, an Accusation was filed in this matter against Respondents EDISON LENDING & REALTY INC and KENTON SCOTT LEVINSON.

On June 29, 2011, Respondent EDISON LENDING & REALTY INC petitioned the Commissioner to voluntarily surrender its corporate real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent EDISON LENDING & REALTY INC's petition for voluntary surrender of its corporate real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding

1 and agreement expressed in Respondent's Declaration dated June
2 29, 2011(attached as Exhibit "A" hereto). Respondent's license
3 certificate(s), pocket card(s) and any branch office license
4 certificate(s) shall be sent to the below listed address so that
5 they reach the Department on or before the effective date of this
6 Order:

Department of Real Estate
Atten: Licensing Flag Section
P.O. Box 187000
Sacramento, CA 95818-7000

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10 This Order shall become effective at 12 o'clock noon
11 on SEP 12 2011.

12 DATED: 8/15/11

13 BARBARA J. BIGBY
14 Acting Real Estate Commissioner

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Exhibit "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-36944 LA
<u>EDISON LENDING & REALTY INC</u> and)	
KENTON SCOTT LEVINSON,)	
individually and formerly as)	
designated officer of Edison)	
Lending & Realty Inc,)	
)	
Respondents.)	

DECLARATION

My name is Moshe Michael Edison and I am authorized and empowered to sign this declaration on behalf of EDISON LENDING & REALTY INC, which is licensed as a corporate real estate broker and/or has license rights with respect to said license.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) EDISON LENDING & REALTY INC wishes to voluntarily surrender its real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that EDISON LENDING & REALTY INC, by so
2 voluntarily surrendering its license, can only have it reinstated
3 in accordance with the provisions of Section 11522 of the
4 Government Code. I also understand that by so voluntarily
5 surrendering its license, EDISON LENDING & REALTY INC agrees to
6 the following:

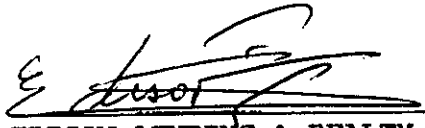
7 The filing of this Declaration shall be deemed as its
8 petition for voluntary surrender. It shall also be deemed to be
9 an understanding and agreement by EDISON LENDING & REALTY INC
10 that, it waives all rights it has to require the Commissioner to
11 prove the allegations contained in the Accusation filed in this
12 matter at a hearing held in accordance with the provisions of the
13 Administrative Procedure Act (Government Code Sections 11400 et
14 seq.), and that it also waives other rights afforded to it in
15 connection with the hearing such as the right to discovery, the
16 right to present evidence in defense of the allegations in the
17 Accusation and the right to cross-examine witnesses. I further
18 agree on behalf of EDISON LENDING & REALTY INC that upon
19 acceptance by the Commissioner, as evidenced by an appropriate
20 order, all affidavits and all relevant evidence obtained by the
21 Department in this matter prior to the Commissioner's acceptance,
22 and all allegations contained in the Accusation filed in the
23 Department Case No. H-36944 LA, may be considered by the
24 Department to be true and correct for the purpose of deciding
25 whether or not to grant reinstatement of EDISON LENDING & REALTY
26 INC's license pursuant to Government Code Section 11522.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily on behalf of EDISON LENDING & REALTY INC to surrender its license and all license rights attached thereto.

6/29/2011 Los Angeles, CA
Date and Place



EDISON LENDING & REALTY INC
By Moshe Michael Edison

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1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

AUG 22 2011

4 (213) 576-6982
5 (213) 576-6910

DEPARTMENT OF REAL ESTATE
BY: *Justina M. Lewis*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-36944 LA
L-2011010118

12 EDISON LENDING & REALTY INC and)
13 KENTON SCOTT LEVINSON, individually)
14 and formerly as designated officer)
of Edison Lending & Realty Inc,)

STIPULATION AND AGREEMENT

15 Respondents.)
16)
17)

18 It is hereby stipulated by and between KENTON SCOTT
19 LEVINSON (sometimes referred to as "Respondent") and his
20 attorney of record, Mary E. Work, and the Complainant, acting by
21 and through James A. Demus, Counsel for the Department of Real
22 Estate, as follows for the purpose of settling and disposing of
23 the Accusation filed on December 2, 2010, in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the Accusation, which hearing was to be
27

1 held in accordance with the provisions of the Administrative
2 Procedure Act ("APA"), shall instead and in place thereof be
3 submitted solely on the basis of the provisions of this
4 Stipulation and Agreement ("Stipulation").

5 2. Respondent has received, read and understands the
6 Statement to Respondent, the Discovery Provisions of the APA and
7 the Accusation, filed by the Department of Real Estate in this
8 proceeding.

9 3. On December 16, 2010, Respondent filed a Notice of
10 Defense pursuant to Section 11506 of the Government Code for the
11 purpose of requesting a hearing on the allegations in the
12 Accusation. Respondent hereby freely and voluntarily withdraws
13 said Notice of Defense. Respondent acknowledges that he
14 understands that by withdrawing said Notice of Defense, he will
15 thereby waive his right to require the Commissioner to prove the
16 allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that he will waive
18 other rights afforded to him in connection with the hearing such
19 as the right to present evidence in defense of the allegations
20 in the Accusation and the right to cross-examine witnesses.

21 4. This Stipulation is based on the factual
22 allegations contained in the Accusation filed in this
23 proceeding. In the interest of expedience and economy,
24 Respondent chooses not to contest these factual allegations, but
25 to remain silent and understands that, as a result thereof,
26 these factual statements will serve as a prima facie basis for
27 the disciplinary action stipulated to herein. The Real Estate

1 Commissioner shall not be required to provide further evidence
2 to prove such allegations.

3 5. This Stipulation and Respondent's decision not to
4 contest the Accusation are made for the purpose of reaching an
5 agreed disposition of this proceeding and are expressly limited
6 to this proceeding and any other proceeding or case in which the
7 Department of Real Estate ("Department"), or another licensing
8 agency of this state, another state or if the federal government
9 is involved and otherwise shall not be admissible in any other
10 criminal or civil proceedings.

11 6. It is understood by the parties that the Real
12 Estate Commissioner may adopt the Stipulation as her decision in
13 this matter thereby imposing the penalty and sanctions on
14 Respondent's real estate license and license rights as set forth
15 in the below "Order". In the event that the Commissioner in her
16 discretion does not adopt the Stipulation, the Stipulation shall
17 be void and of no effect, and Respondent shall retain the right
18 to a hearing on the Accusation under all the provisions of the
19 APA and shall not be bound by any stipulation or waiver made
20 herein.

21 7. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation shall not
23 constitute an estoppel, merger or bar to any further
24 administrative or civil proceedings by the Department of Real
25 Estate with respect to any conduct which was not specifically
26 alleged to be causes for accusation in this proceeding.

27

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations and waivers and
3 solely for the purpose of settlement of the pending Accusation
4 without a hearing, it is stipulated and agreed that the following
5 determination of issues shall be made:

6 The conduct, acts and/or omissions of Respondent KENTON
7 SCOTT LEVINSON as described in Paragraph 4, constitute cause for
8 the suspension or revocation of all the real estate licenses and
9 license rights of Respondent KENTON SCOTT LEVINSON under the
10 provisions of Sections 10085, 10177(d), 10177(g) and 10177(h) of
11 the Business and Professions Code ("Code").

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 I

15 A. All licenses and license rights of Respondent
16 KENTON SCOTT LEVINSON under the Real Estate Law are suspended
17 for a period of thirty (30) days from the effective date of this
18 Decision; provided, however, that said thirty (30) day
19 suspension shall be stayed for two years upon the following
20 terms and conditions:

21 (1) Respondent KENTON SCOTT LEVINSON shall obey all
22 laws, rules and regulations governing the rights, duties and
23 responsibilities of a real estate licensee in the State of
24 California; and

25 (2) That no final subsequent determination be made
26 after hearing or upon stipulation, that cause for disciplinary
27 action occurred within two (2) years from the effective date of

1 this Decision. Should such a determination be made, the
2 Commissioner may, in his discretion, vacate and set aside the
3 stay order and reimpose all or a portion of the stayed
4 suspension. Should no such determination be made, the stay
5 imposed herein shall become permanent.

6
7 DATED: 7/11/11 James A. Demus
8 JAMES A. DEMUS, Counsel for the
9 Department of Real Estate

10 * * *

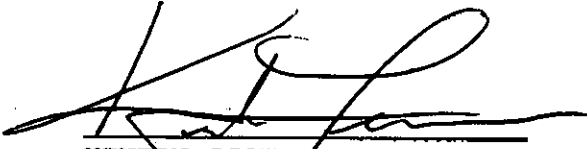
11 I have read the Stipulation and Agreement, have
12 discussed it with my counsel, and its terms are understood by me
13 and are agreeable and acceptable to me. I understand that I am
14 waiving rights given to me by the California Administrative
15 Procedure Act (including but not limited to Sections 11506,
16 11508, 11509 and 11513 of the Government Code), and I willingly,
17 intelligently and voluntarily waive those rights, including the
18 right of requiring the Commissioner to prove the allegations in
19 the Accusation at a hearing at which I would have the right to
20 cross-examine witnesses against me and to present evidence in
21 defense and mitigation of the charges.

22 Respondent can signify acceptance and approval of the
23 terms and conditions of this Stipulation and Agreement by faxing
24 a copy of the signature page, as actually signed by Respondent,
25 to the Department at the following fax number: (213) 576-6917.
26 Respondent agrees, acknowledges and understands that by
27


1 electronically sending to the Department a fax copy of her
 2 actual signature as it appears on the Stipulation and Agreement,
 3 that receipt of the faxed copy by the Department shall be as
 4 binding on Respondent as if the Department had received the
 5 original signed Stipulation and Agreement.

6 Further, if the Respondent is represented by counsel,
 7 Respondent's counsel can signify his agreement to the terms and
 8 conditions of the Stipulation and Agreement by submitting that
 9 signature via fax.

10
 11 DATED: 7/3/11


 KENTON SCOTT LEVINSON
 Respondent

14 DATED: 7/2/11


 Mary E. Work
 Attorney for Respondent

17 * * *

18 The foregoing Stipulation and Agreement is hereby
 19 adopted as my Decision and Order in this matter, and shall
 20 become effective at 12 o'clock noon on _____.

22 IT IS SO ORDERED _____, 2011.

24 BARBARA J. BIGBY
 Acting Real Estate Commissioner

26 _____

1 electronically sending to the Department a fax copy of her
2 actual signature as it appears on the Stipulation and Agreement,
3 that receipt of the faxed copy by the Department shall be as
4 binding on Respondent as if the Department had received the
5 original signed Stipulation and Agreement.

6 Further, if the Respondent is represented by counsel,
7 Respondent's counsel can signify his agreement to the terms and
8 conditions of the Stipulation and Agreement by submitting that
9 signature via fax.

10
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12 DATED: _____

KENTON SCOTT LEVINSON
Respondent

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14
15 DATED: _____

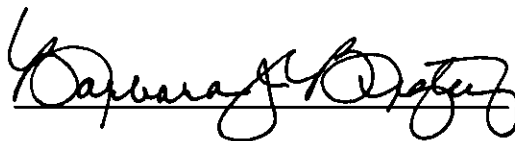
Mary E. Work
Attorney for Respondent

16
17 * * *

18 The foregoing Stipulation and Agreement is hereby
19 adopted as my Decision and Order in this matter, and shall
20 become effective at 12 o'clock noon on SEP 12 2011
21 _____

22 IT IS SO ORDERED 8/15, 2011.

23
24 BARBARA J. BIGBY
Acting Real Estate Commissioner

25
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FILED

DEC -2 2010

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE

BY: Laura B. Sloan

4 (213) 576-6982
5 (213) 576-6910 (direct)

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 EDISON LENDING & REALTY INC and)
14 KENTON SCOTT LEVINSON,)
15 individually and formerly as)
16 designated officer of Edison)
17 Lending & Realty Inc,)
18 Respondents.)

No. H-36944-LA

A C C U S A T I O N

18 The Complainant, Robin Trujillo, a Deputy Real Estate
19 Commissioner of the State of California, for cause of
20 Accusation against EDISON LENDING & REALTY INC and KENTON SCOTT
21 LEVINSON, individually and formerly as designated officer of
22 Edison Lending & Realty Inc, is informed and alleges as
23 follows:

24 1.

25 The Complainant, Robin Trujillo, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 in her official capacity.

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2.

EDISON LENDING & REALTY INC (hereinafter "EDISON") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a corporate real estate broker.

3.

KENTON SCOTT LEVINSON (hereinafter "LEVINSON") is presently licensed and/or has license rights under the Real Estate Law, as a real estate broker. He was also designated officer of EDISON between June 29, 2007 and November 21, 2008.

4.

At all times material herein, Respondents were engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, within the meaning of Code Sections 10131(d) and 10131.2, including brokering mortgage loans and performing loan modification activities and claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee, within the meaning of Code Section 10026, including, but not limited to, the following loan modification activities with respect to loans which were secured by liens on real property.

5.

On or about August 28, 2008, EDISON sent paperwork to Scott R. Gibson ("Gibson"), describing how EDISON performed loan modifications with respect to loans secured by liens on

1 real property. This paperwork stated that EDISON charged
2 advance fees of \$3,500 for first loans and \$1,500 for second
3 and third loans. On September 5, 2008, Gibson submitted an
4 advance fee of \$5,000 to EDISON for the purpose of obtaining a
5 loan modification. On or about September 30, 2008, Gibson
6 signed a Third Party Authorization to Discuss/Negotiate and
7 Agreement to Release for EDISON, which authorized lenders to
8 release Gibson's personal financial information to EDISON.
9 After receiving no loan modification and little communication
10 from EDISON, Gibson terminated the services of EDISON on
11 November 20, 2008.

12 6.

13 The fee collected by EDISON, as described in
14 Paragraph 5 above, constitutes an advance fee agreement within
15 the meaning of Code Section 10026. EDISON failed to submit the
16 advance fee agreement to the Commissioner ten days before using
17 it, in violation of Code Section 10085 and Section 2970 of
18 Title 10, California Code of Regulations ("Regulations").

19 7.

20 The conduct, acts and/or omissions of Respondents
21 EDISON and LEVINSON, as set forth above, are in violation of
22 Code Sections 10085 and 10085.5(a) and Regulation 2970,
23 providing cause for the suspension or revocation of the
24 licenses and license rights of Respondents EDISON and LEVINSON
25 pursuant to Code Sections 10085, 10177(d) and/or 10177(g).

26 ///

27 ///

1 8.

2 The conduct, acts and/or omissions of Respondent
3 LEVINSON, as set forth in paragraph 5 above, constitute a
4 breach of responsibility by the corporate officer in charge, in
5 violation of Code Section 10159.2 and Regulation 2725. It also
6 provides cause for the suspension or revocation of the licenses
7 and license rights of Respondent LEVINSON pursuant to Code
8 Sections 10177(d), 10177(h) and/or 10177(g).

9 WHEREFORE, Complainant prays that a hearing be
10 conducted on the allegations of this Accusation and that upon
11 proof thereof, a decision be rendered imposing disciplinary
12 action against all the licenses and license rights of
13 Respondents EDISON LENDING & REALTY INC and KENTON SCOTT
14 LEVINSON under the Real Estate Law, and for such other and
15 further relief as may be proper under other applicable
16 provisions of law.

17 Dated at Los Angeles, California
18 this 30 day of September, 2010.

19
20 
21 _____
22 Robin Trujillo
23 Deputy Real Estate Commissioner
24

25 cc: EDISON LENDING & REALTY INC
26 Kenton Scott Levinson
27 Robin Trujillo
Sacto.